



Order Filed on October 30, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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SHERRI R. DICKS, ESQUIRE (004282003)

In re:

Mirtha G. Mira,
Debtor.

Case No.: 23-17984/RG

Chapter: 13

Hearing Date: September 18, 2024


Judge: Rosemary Gambardella

ORDER RESOLVING SECURED CREDITOR NATIONSTAR MORTGAGE LLC

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: October 30, 2024


Honorable Rosemary Gambardella
United States Bankruptcy Judge

Secured Creditor: Nationstar Mortgage LLC

Secured Creditor Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtor Counsel: Steven D. Pertuz, Esq.

Property ("Collateral"): 156-158 Elizabeth Avenue, Elizabeth, New Jersey 07206

Relief Sought:

- Motion for relief from the Automatic Stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is hereby **ORDERED** that Secured Creditor's Motion for Relief from Automatic Stay filed on August 19, 2024 is resolved, subject to the following conditions:

1. Status of post-petition arrearages:
 - Debtor is overdue for 7 payments from March 1, 2024 to September 1, 2024 at \$2,299.20 per month. This amount is subject to change based upon changes in the debtor's escrow account.
Funds Held In Suspense \$1,004.00.
Total Arrearages Due \$15,090.40.
2. Debtor must cure all post-petition arrearages, as follows:
 - Provided information via his attorney of record that a payment in the amount of \$9,100.00 posted to his mortgage account 9/12/24.
 - Provided information via his attorney of record that a payment in the amount of \$2,400.00 is pending.
 - Beginning October 1, 2024, debtor(s) shall also make six (6) equal cure payments to satisfy the balance of outstanding arrears of \$3,590.40. In addition to the monthly mortgage payment, debtor(s) shall pay an additional \$598.40 each month until the outstanding balance is paid in full.
 - Upon court approval of the proposed Consent Order, debtor(s) shall amend the most recent confirmed Plan to include \$525.00 in attorney fees and \$199.00 in costs. This amount shall be paid by the Chapter 13 Trustee as an Administrative claim.

- Regular monthly payments & Stipulation Payments should be sent in certified funds and mailed to:

Nationstar Mortgage LLC
Attn: Bankruptcy Department
P.O. Box 619094
Dallas, TX 75261-9741

In the event of Default:

- Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if any payment is returned by the bank for insufficient funds, upon notice to the debtor and counsel, Secured Creditor shall immediately certify a default.
- If Debtors fail to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.
- In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting Relief from the Automatic Stay. Debtor shall pay \$200.00 for each Notice of Default issued by Secured Creditor as a result of the Debtor(s)' failure to comply with this Consent Order.
- In the event Debtor's case is Dismissed at any time during these proceedings, the Automatic Stay shall not exist provided no further Order of the Court is entered Reinstating the Stay. Any Consent Order or Agreed Order entered by the Court is binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated by Dismissal with respect to the Property, this Consent Order/Agreed Order ceases to be binding and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor.
- In the event Debtor's case is Discharged, the Automatic Stay expires by Operation of Law and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor.
- This agreed Consent Order shall survive any loan modification obtained and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court ("Certification"). A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney, and the court shall enter an Order granting Secured Creditor Relief from the Automatic Stay. Debtor shall pay \$200.00 for each Notice of

Default issued by Secured Creditor as a result of the Debtor(s)' failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

- Attorney's fees: \$525.00
- Costs: \$199.00

All Attorney fees and costs are to be paid through the confirmed Chapter 13 Plan.

6. In the event Secured Creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.

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